

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>FAHEEM ROCHESTER,</b>	:	
<b>Plaintiff,</b>	:	
	:	<b>CIVIL ACTION NO. 1:17-CV-1220</b>
<b>v.</b>	:	
	:	<b>Judge Sylvia H. Rambo</b>
<b>WARDEN JANE DOE, et al.,</b>	:	
<b>Defendants.</b>	:	

**ORDER**

Before the Court for disposition is Magistrate Judge Martin C. Carlson’s Report and Recommendation (ECF No. 68), which recommends granting the Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure (ECF No. 60) filed by the remaining Defendants, Tammy Jusits and Luciano.<sup>1</sup> Objections to the Report and Recommendation were due by February 15, 2019, but no such objections have been filed.

In considering whether to adopt the Report and Recommendation, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010) (explaining that judges should review

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<sup>1</sup> In reviewing the docket, the Court notes that the clerk of Court has not yet terminated Warden Jane Doe from this action. Because Rochester has not filed an amended complaint curing the deficiencies as to Warden Jane Doe, as directed by this Court in its September 5, 2017 Memorandum and Order (ECF Nos. 10, 11), the Court will direct the Clerk of Court to terminate Warden Jane Doe from this action.

dispositive legal issues raised by the report for clear error). Following an independent review of the record, the Court is satisfied that the Report and Recommendation contains no clear error, and will therefore adopt the Report and Recommendation to grant the Motion for Summary Judgment filed by Tammy Jusits and Luciano, the remaining Defendants. Accordingly, **IT IS HEREBY ORDERED THAT:**

1. The Report and Recommendation (ECF No. 68) is **ADOPTED**.
2. The Motion for Summary Judgment (ECF No. 60) is **GRANTED**, and Tammy Jusits and Luciano are **DISMISSED** from this action.
3. The Clerk of Court is **DIRECTED** to enter judgment in favor of Tammy Jusits and Luciano and against Rochester.
4. The Clerk of Court is **DIRECTED** to terminate the Defendant Warden Jane Doe from this action in accordance with the Court's September 5, 2017 Memorandum and Order (ECF Nos. 10, 11).
5. The Clerk of Court shall **CLOSE** this case.

s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: March 20, 2019